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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,069	03/31/2004	Rudolf Moller	32368-199846	5288

26694 7590 04/22/2005

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EXAMINER
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WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/813,069

Applicant(s)

MOLLER ET AL.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10, 14, 15 and 17 is/are rejected.  
7) ☒ Claim(s) 11-13, 16, 18 and 19 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09132004.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gas pressurized spring (claim 18) and vacuum sheet (claim 19) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The disclosure is objected to because of the following informalities: It appears the following change is required:

Page 13, line 8: Change "4" to --3--

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 requires a carrier strut and a u-shaped housing element. It is unclear what the differences are between the two elements. It appears that the U-shaped housing element includes the carrier strut (Figure 1).

Claims 2-19 depend from rejected claim 1 and are therefore rejected accordingly under 35 U.S.C. 112, second paragraph.

***Claim Rejections - 35 USC § 102***

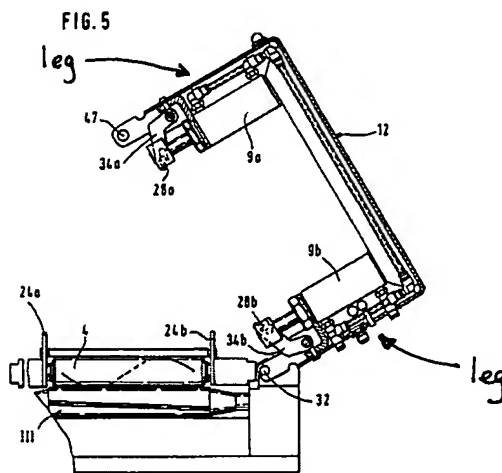
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Roder (U.S. 5,953,793).

Roder discloses a double pressure cylinder arrangement having a first pressure cylinder 9a, a second pressure cylinder 9b positioned in a spaced and axis-parallel relationship to the first pressure cylinder 9a, a carrier strut 12 having a hollow intermediate section (see figure below) connected to the bottom side of the first pressure cylinder 9a and the second pressure cylinder 9b, a substantially u-shaped housing element (see figure below) having two leg sections wherein each leg section houses one of the pressure cylinders (9a, 9b) and connection lines (see figure below) for driving the first pressure cylinder 9a and the second pressure cylinder 9b integrated in the intermediate section.



With regard to claim 2, the intermediate section is hollow.

With regard to claim 3, the leg sections are cylindrical.

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With regard to claim 4, a releasable lock (34a, 34b) operatively locks a carrier construction on the arrangement and is integrated into one of the leg sections of the housing element next to the pressure cylinder.

With regard to claim 5, a fluid connection supplies fluid to the first pressure cylinder 9a and to the second pressure cylinder (see figure above; Col. 6, lines 61-65).

With regard to claim 6, the fluid connection is integrated in the area of one of the leg sections of the housing element next to the pressure cylinder in the leg section.

With regard to claim 7, the fluid connection exits on the bottom surface of one of the leg sections of the housing element thereby operating pressure rod 19.

With regard to claim 8, a releasable lock 34a is provided on one leg section and a fluid connection is associated with the other leg section.

With regard to claim 9, the fluid connection is accommodated in an area situated to the outside of one of the leg section adjacent to one of the pressure cylinders.

With regard to claim 10, the releasable lock (34a, 34b) is arranged to an outside area of the first leg section adjacent to the pressure cylinder.

With regard to claim 14, the first pressure cylinder 9a and the second pressure cylinder 9b are single-acting type.

With regard to claim 15, a piston rod 19 for each pressure cylinder utilizes compressed air as a pressure medium to simultaneously extend the piston rods.

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With regard to claim 17, the claim does not offer any additional structure that further limit the claim from which it depends.

***Allowable Subject Matter***

7. Claims 11-13, 16, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Corrales '931 and Gohler et al. '752 disclose a drafting machine having pressure cylinders connected to a fluid source for applying pressure from the top drafting rollers to the bottom drafting rollers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw